

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
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FLOOR DEBATE

April 16, 2003 LB 23, 146, 162

current law, amounts recovered are limited to \$125...I'm sorry, \$1,250,000. LB 23, as amended, would increase the amount recoverable to \$1,750,000 for any occurrence from and after December 31, 2003. It has been 11 years since there has been an increase in the medical liability cap. Accordingly, this increase is, I would respectfully suggest, reasonable. The increase of \$500,000 is not arbitrary. It was done as a deliberate increase to match inflation during the period in question when we have not increased the cap for the benefit of the injured. If we apply the Consumer Price Index to the \$1,250,000 that was established in 1992, we would arrive at a figure of \$1,741,114 for 2004, so we simply rounded the number. Some of you may be aware that there is a case pending before the Nebraska Supreme Court that addresses the constitutionality of the medical liability cap, so that case was appealed to the court over two years ago and was argued before the court in February of 2002. Of course, we will continue to monitor and will respond appropriately when the Supreme Court decides the case, but we are now at two-thirds of the way through our legislative session. Given the magnitude of the public policy issues involved in the Medical Liability Act, we cannot and do not believe it's prudent to wait indefinitely to move this bill forward. We should determine our state policy with respect to the liability cap on the assumption that the court will affirm the Medical Liability Act, and, therefore, the committee amendment increases the cap to \$1,750,000. All members of your Judiciary Committee present voted to adopt the amendment and to advance the bill so that it was brought to you on the vote of 7. I urge you to adopt the committee amendment and to advance the bill, and I want to acknowledge very definitely and don't want it to be lost in the record the work of Senator Brown with regard to the first portion of the committee amendment, which is her bill, LB 162, which we are incorporating into the amendment. With that, I would be prepared to answer any of your questions, and I thank you for your attention.

SPEAKER BROMM: Thank you, Senator Brashear. You've heard the opening on the committee amendments. Mr. Clerk.

CLERK: Mr. President, Senator Brashear would move to amend the committee amendments with AM1355. (Legislative Journal